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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

PLEXXIKON INC.,

Plaintiff,

v.

NOVARTIS PHARMACEUTICALS
CORPORATION,

Defendant.

Civil Action No.
4:17-cv-04405-HSG (EDL)

DECLARATION OF NATHANAEL R.
LUMAN IN SUPPORT OF PLAINTIFF'S
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL

Ctrm: 2 – 4th Floor
Judge: Honorable Haywood S. Gilliam,
Jr.

1 I, Nathanael R. Luman, declare and state as follows:

2 1. I am a partner at the law firm of Knobbe, Martens, Olson & Bear, LLP,
3 and I am licensed to practice law in the State of California. I am counsel for non-parties
4 GlaxoSmithKline PLC and GlaxoSmithKline LLC for the above-captioned matter between
5 Plaintiff Plexxikon Inc. and Defendant Novartis Pharmaceuticals Corp. I have personal
6 knowledge of the matters set forth herein, and if I am called upon to testify, I could testify
7 competently thereto.

8 2. Pursuant to Civil Local Rule 79-5(e)(1), I submit this declaration in
9 support of Plaintiff's Administrative Motion To File Under Seal (D.I. 149).

10 3. GlaxoSmithKline PLC and GlaxoSmithKline LLC are not parties to
11 the above-captioned litigation, and there is no GlaxoSmithKline entity that is party to the
12 above-captioned litigation. This declaration is submitted for the limited purpose of
13 supporting the motion to seal and should not be interpreted as a waiver of GlaxoSmithKline
14 PLC or GlaxoSmithKline LLC's right to challenge the propriety of jurisdiction and venue
15 in this district. Further, GlaxoSmithKline PLC and GlaxoSmithKline LLC expressly reserve
16 the right to challenge jurisdiction and venue in this district. This declaration should not be
17 interpreted as a waiver of GlaxoSmithKline PLC and GlaxoSmithKline LLC's ability to seek
18 to intervene in the above-captioned litigation for the limited purpose of opposing any motion
19 by Plaintiff seeking leave to amend the complaint. GlaxoSmithKline PLC and
20 GlaxoSmithKline LLC expressly reserve the right to file a motion to intervene for the limited
21 purpose of opposing any motion by Plaintiff seeking leave to amend the complaint.

22 4. I have reviewed Exhibit A to the March 18, 2019 Declaration of
23 Daralyn J. Durie submitted in support of Plaintiff's Administrative Motion to File Under Seal
24 (D.I. 149). Exhibit A is a copy of Defendant Novartis Pharmaceuticals Corporation's
25 Invalidity Contentions. Based on my review, the text highlighted in yellow on the following
26 pages of Exhibit A contain highly confidential pharmaceutical research and development
27 information relating to one or more of non-party GSK entities' research and development of
28


1 BRAF-inhibitor compounds:

- 2 • Page 4, lines 12-20
- 3 • Page 34, lines 9-15
- 4 • Page 50, line 22 through Page 52, line 22
- 5 • Page 52, line 24 through Page 54, line 26
- 6 • Page 55, lines 9-11
- 7 • Page 55, lines 15-18; and
- 8 • Page 56, lines 4-5.

9 If the information on these selected pages of Exhibit A is not placed under seal, one or more
 10 of non-party GSK entities' highly sensitive and confidential information may be
 11 compromised, exposing GSK entities to substantial financial risk. Unless the information is
 12 sealed, competitors and others will be provided access to information that would not
 13 ordinarily be available to the public, let alone available to one or more of GSK entities'
 14 competitors in the highly competitive pharmaceutical industry. Competitors and others in the
 15 marketplace might exploit such information for their own benefit and to the unfair detriment
 16 of one or more GSK entities. Redaction of Exhibit A at **Page 4, lines 12-20; Page 34, lines**
 17 **9-15; Page 50, line 22 through Page 52, line 22; Page 52, line 24 through Page 54, line 26;**
 18 **Page 55, lines 9-11; Page 55, lines 15-18; and Page 56, lines 4-5** is appropriate and narrowly
 19 tailored to best balance the need for public disclosure of court filings and for protecting the
 20 limited amount of one or more of the non-party GSK entities' confidential information
 21 contained in the document.

22 I declare the foregoing is true and correct under penalty of perjury under the
 23 laws of the United States of America.

24 Executed this March 21, 2019, in San Diego, CA.

25 
 26 _____
 27 Nathanael R. Luman

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